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1 the November 9, 1990 taped interview that you
2 continued to chase this person, didn't you?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. Did there come time when the chase ended?

5 A. I invoke my rights under the Fifth Amendment.

6 Q. A group of people caught the person from
7 Sunnydale and started to beat him up, didn't they?

8 A. I invoke my rights under the Fifth Amendment.

9 Q. You told Officer Lewis and Officer Gittens in
10 the November 9, 1990 taped interview that "some
11 people -- some people had already caught him. They
12 had him in a corner and they was beating him up,"
13 didn't you?

14 A. I invoke my rights under the Fifth Amendment.

15 Q. Did there come a time when you learned the
16 identity of this person you were chasing?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. You learned that he was Robert Shannon, also
19 know as Cooley, correct?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. You told Officer Lewis and Officer Gittens in
22 the November 9, 1990 taped interview that you learned
23 he was Roderick Shannon or Cooley, didn't you?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. Where did the chase of Roderick Shannon end?

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1 A. I invoke my rights under the Fifth Amendment.

2 Q. Was it the SuperFair market?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. Wasn't the SuperFair at the corner of Leland
5 and Rutland?

6 A. I invoke my rights under the Fifth Amendment.

7 Q. Did there come a time when you got out of the
8 pickup truck after the chase ended?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. You told Officer Lewis and Officer Gittens in
11 the November 9, 1990 taped interview that you got out
12 of the truck and walked over to where the group was
13 beating up Roderick Shannon, didn't you?

14 MR. GUERRERO: Counsel, to the extent
15 that what he told the officers in the interview, I
16 think the tape would speak for itself.

17 BY MR. RAGLAND:

18 Q. You can go ahead and respond, please.

19 A. I invoke my rights under the Fifth Amendment.

20 Q. Were you holding anything in your hand when
21 you got out of the truck?

22 A. I invoke my rights under the Fifth Amendment.

23 Q. Isn't it true that you were holding a loaded
24 shotgun when you got out of the truck?

25 A. I invoke my rights under the Fifth Amendment.

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1 Q. You told Officer Lewis and Officer Gittens in
2 the November 9, 1990 taped interview that you got out
3 of the truck with a shotgun in hand, didn't you?

4 A. I invoke my rights under the Fifth Amendment.

5 Q. What happened next?

6 A. I invoke my rights under the Fifth Amendment.

7 Q. Did the people surrounding Roderick Shannon
8 move away?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. You told Officer Lewis and Officer Gittens in
11 the November 9, 1990 taped interview that as you
12 approached Roderick Shannon people cleared back,
13 didn't you?

14 A. I invoke my rights under the Fifth Amendment.

15 Q. Was anyone saying anything as you approached
16 Roderick Shannon?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. Isn't it true that people were shouting "do
19 it, do it"?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. You told Officer Lewis and Officer Gittens in
22 the November 9, 1990 taped interview that as you
23 approached Roderick Shannon with a shotgun in hand
24 people were saying "do it do it," didn't you?

25 A. I invoke my rights under the Fifth Amendment.

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1 Q. What happened next?

2 A. I invoke my rights under the Fifth Amendment.

3 Q. Did you shoot Roderick Shannon?

4 A. I invoke my rights under the Fifth Amendment.

5 Q. You did shoot Roderick Shannon, didn't you?

6 A. I invoke my rights under the Fifth Amendment.

7 Q. You told Officer Lewis and Officer Gittens in
8 the November 9, 1990 taped interview that you shot
9 Roderick Shannon with your shotgun, didn't you?

10 A. I invoke my rights under the Fifth Amendment.

11 Q. Before August 18, 1998 you knew who John
12 Tennison was, right?

13 A. I invoke my rights under the Fifth Amendment.

14 Q. You knew him as J.J. Tennison?

15 A. I invoke my rights under the Fifth Amendment.

16 Q. You could identify him by sight, correct?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. Was John Tennison at the 7-11?

19 A. I invoke my rights under the Fifth Amendment.

20 Q. John Tennison was not at the 7-11, was he?

21 A. I invoke my rights under the Fifth Amendment.

22 Q. Did John Tennison participate in the car
23 chase of Cooley?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. John Tennison did not participate in the car

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1 chase of Cooley, did he?

2 A. I invoke my rights under the Fifth Amendment.

3 Q. Was John Tennison at the SuperFair market?

4 A. I invoke my rights under the Fifth Amendment.

5 Q. John Tennison was not at the SuperFair
6 market, was he?

7 A. I invoke my rights under the Fifth Amendment.

8 Q. You told Officer Lewis and Officer Gittens in
9 the November 9, 1990 taped interview that John
10 Tennison was not there that night, didn't you?

11 A. I invoke my rights under the Fifth Amendment.

12 MR. RAGLAND: Can we go off the record
13 for just one moment?

14 VIDEOGRAPHER: We're going off the
15 record at 9:54 a.m.

16 (A discussion was had off the record.)

17 VIDEOGRAPHER: We're back on the record
18 at 9:55 a.m.

19 BY MR. RAGLAND:

20 Q. Now, Mr. Ricard, directing your attention to
21 February 1991, did there come a time that you met
22 Jeffrey Adachi?

23 A. I invoke my rights under the Fifth Amendment.

24 Q. Jeff Adachi was John Tennison's defense
25 attorney, correct?

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1 A. I invoke my rights under the Fifth Amendment.

2 Q. John Tennison had already been convicted when
3 you met Jeff Adachi, right?

4 A. I invoke my rights under the Fifth Amendment.

5 Q. You had already confessed to the police when
6 you met Jeff Adachi, right?

7 A. I invoke my rights under the Fifth Amendment.

8 Q. Did you ever talk to Jeff Adachi about the
9 murder of Roderick Shannon?

10 A. I invoke my rights under the Fifth Amendment.

11 Q. You told Adachi that John Tennison was not
12 involved, correct?

13 A. I invoke my rights under the Fifth Amendment.

14 Q. You told Jeff Adachi that you knew Tennison
15 was not involved because you killed Roderick Shannon,
16 didn't you?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. Did you ever give a statement about the
19 Shannon murder to Jeff Adachi?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. In fact, you gave Adachi a statement on
22 videotape about the Shannon murder, didn't you?

23 A. I invoke my rights under the Fifth Amendment.

24 Q. Did you provide this interview to Jeff Adachi
25 on February 20, 1991?

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1 A. I invoke my rights under the Fifth Amendment.

2 Q. I'm going to play for you, Mr. Ricard, a
3 videotape marked "Interview With Lovinsky Ricard
4 2/20/91."

5 MR. RAGLAND: Okay. I'm playing you
6 the tape now.

7 (Videotape playing.)

8 ADACHI: Today's date and time is
9 approximately 11:00. It's a quarter to 11 on February
10 20, 1991. And my name is Jeff Adachi and I'm sitting
11 here with a gentleman. I've asked you to come down
12 and talk to me about the circumstances of the death of
13 Roderick Shannon, a/k/a Cooley, is that right.

14 MR. RICHARD: Right.

15 MR. ADACHI: You're going to have to
16 keep your voice up so I'll be able to hear it on the
17 tape. Do you understand?

18 MR. RICARD: Okay.

19 MR. ADACHI: Okay. Now, I asked you to
20 come down here to tell us what happened on August 19th
21 of 1989. Do you have that date in mind?

22 MR. RICARD: Yes.

23 MR. ADACHI: Now, where were you in the
24 early morning hours before this incident occurred?

25 MR. RICARD: Around the morning hours?

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1 MR. ADACHI: Well, before this incident
2 occurred with Cooley.

3 MR. RICARD: Home in bed.

4 MR. ADACHI: Okay. You have to keep
5 your voice up.

6 MR. RICARD: Home in bed.

7 (Videotape off.)

8 BY MR. RAGLAND:

9 Q. Mr. Ricard, do you know the people on that
10 videotape?

11 A. I invoke my rights under the Fifth Amendment.

12 Q. Do you recognize the voice of the person in
13 the hooded sweatshirt?

14 A. I invoke my rights under the Fifth Amendment.

15 Q. That's you in the hooded sweatshirt, isn't
16 it?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. Do you recognize the other voice?

19 A. I invoke my rights under the Fifth Amendment.

20 Q. Do you recognize that as the voice of Jeff
21 Adachi?

22 A. I invoke my rights under the Fifth Amendment.

23 Q. He introduced himself as Jeff Adachi, didn't
24 he?

25 A. I invoke my rights under the Fifth Amendment.

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1 MR. RAGLAND: I'm going to mark the
2 videotape as 48, Exhibit 48. I'm going to play for
3 you an audiotape marked Lovinsky Ricard 2/20/91.

4 (Cassette tape playing.)

5 MR. ADACHI: Today's date and time is
6 approximately 11:00. It's quarter to 11 on February
7 20, 1991. And my name is Jeff Adachi and I'm sitting
8 here with a gentleman. I've asked you to come down
9 and talk to me about the circumstances of the death of
10 Roderick Shannon a/k/a Cooley, is that right?

11 MR. RICARD: Right.

12 MR. ADACHI: You're going to have to
13 keep your voice up so I'll be able to hear it on the
14 tape. Do you understand?

15 MR. RICARD: Okay.

16 MR. ADACHI: Now, I asked you to come
17 down here to tell us what happened on August 19th of
18 1989. Do you have that date in mind?

19 MR. RICARD: Yes.

20 MR. ADACHI: Now, where were you in the
21 early morning hours before this incident occurred?

22 MR. RICARD: Around the morning hours?

23 MR. ADACHI: Well, before this incident
24 occurred with Cooley.

25 MR. RICARD: Home in bed.

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1 MR. ADACHI: Okay. You have to keep
2 your voice up.

3 MR. RICARD: Home in bed.

4 (Cassette tape off.)

5 BY MR. RAGLAND:

6 Q. Do you recognize the voices on that
7 videotape?

8 A. I invoke my rights under the Fifth Amendment.

9 Q. In fact, that audiotape is the same interview
10 as the videotaped one I showed you previously, isn't
11 it?

12 A. I invoke my rights under the Fifth Amendment.

13 Q. Do you recognize one of the voices on the
14 audiotape as Jeff Adachi?

15 A. I invoke my rights under the Fifth Amendment.

16 Q. Do you recognize the other voice as yours?

17 A. I invoke my rights under the Fifth Amendment.

18 MR. RAGLAND: I'm going to mark the
19 audiotape as 48 -- 49.

20 (Exhibit 49 marked.)

21 MR. QUADRA: Steven, was the video 48?
22 I'm sorry, I'm confused.

23 MR. RAGLAND: The video was 48 and the
24 audio was 49.

25 MR. QUADRA: Okay.

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1 MR. RAGLAND: The transcript was 47.

2 MR. QUADRA: Got it. Thank you.

3 BY MR. RAGLAND:

4 Q. Why did you give this interview to Jeff
5 Adachi?

6 A. I invoke my rights under the Fifth Amendment.

7 Q. You told Adachi that you came -- you told
8 Adachi that you came forward because, quote, "the
9 person they got wasn't even there. Didn't have
10 nothing to do with it," didn't you?

11 A. I invoke my rights under the Fifth Amendment.

12 Q. You told Adachi that John Tennison was not at
13 the scene of the Shannon murder, didn't you?

14 A. I invoke my rights under the Fifth Amendment.

15 Q. Did you tell Adachi that no yellow car was
16 involved in the chase and murder of Shannon?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. Did you tell Adachi that you did not come
19 forward to murdering Shannon earlier because you were
20 looking out for yourself?

21 A. I invoke my rights under the Fifth Amendment.

22 Q. You told Adachi that you would only give this
23 statement if your identity was concealed, correct?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. And this is because you knew that confessing

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1 to murder could send you to prison and could even get
2 you the death penalty, right?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. And you were afraid for yourself, right?

5 A. I invoke my rights under the Fifth Amendment.

6 Q. You never told Jeff Adachi about your
7 November 7, 1990 interview with Officers Lewis and
8 Gittens, did you?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. You never told Jeff Adachi about your
11 confession to Officers Lewis and Gittens, did you?

12 A. I invoke my rights under the Fifth Amendment.

13 Q. In fact, you didn't know that your November
14 7, 1990 interview with Lewis and Gittens was taped,
15 did you?

16 A. I invoke my rights under the Fifth Amendment.

17 Q. Did there come a time when you moved away
18 from San Francisco?

19 A. I invoke my rights under the Fifth Amendment.

20 Q. How much money did Inspector Hendrix give you
21 to leave town?

22 A. I invoke my rights under the Fifth Amendment.

23 Q. How much money did Inspector Sanders give you
24 to leave town?

25 A. I invoke my rights under the Fifth Amendment.

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1 Q. Did anyone from the San Francisco Police
2 Department give you money to get out of town?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. Did you move here to Minnesota to start a new
5 life?

6 A. I invoke my rights under the Fifth Amendment.

7 Q. You don't want go to jail now for a crime you
8 committed in 1989, do you?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. You hired an attorney to protect you from
11 charges that could arise from your murder of Cooley,
12 correct?

13 A. I invoke my rights under the Fifth Amendment.

14 Q. You hired an attorney to protect you from
15 your confession, right?

16 A. I invoke my rights under the Fifth Amendment.

17 MR. RAGLAND: Thank you, Mr. Ricard. I
18 don't have anything further.

19 MR. QUADRA: I do have questions. I
20 don't know if Mr. Scott does. John?

21 MR. SCOTT: Yeah, I do have a couple.

22 MR. RAGLAND: We're still on the
23 record.

24 MR. SCOTT: What order?

25 MR. QUADRA: You can go first. Makes

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1 sense.

2 EXAMINATION

3 BY MR. SCOTT:

4 Q. Mr. Ricard, my name is John Scott. I
5 represent Antoine Goff.

6 MR. RAGLAND: Mr. Scott, if you could
7 speak up a bit. You're fading a bit.

8 BY MR. SCOTT:

9 Q. All right. Mr. Ricard, my name is John
10 Scott. I represent Antoine Goff. Do you know Antoine
11 Goff?

12 A. I invoke my rights under the Fifth Amendment.

13 Q. Did you know Antoine Goff by the name of Soda
14 Pop?

15 A. I invoke my rights under the Fifth Amendment.

16 THE WITNESS: Can we take a break here?

17 MR. RAGLAND: Yeah. We'll go off the
18 record for a moment.

19 VIDEOGRAPHER: We're going off the
20 record at 10:07 a.m.

21 (A discussion was had off the record.)

22 VIDEOGRAPHER: We're back on the record
23 at 10:07 a.m.

24 BY MR. SCOTT:

25 Q. Mr. Ricard, did you have any contact with

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1 Antoine Goff during the evening of August 18 of 1989?

2 A. I invoke my rights under the Fifth Amendment.

3 Q. And did you have any contacts with Antoine
4 Goff during the early morning hours of August 19,
5 1989?

6 A. I invoke my rights under the Fifth Amendment.

7 Q. Isn't it true that Antoine Goff was not with
8 you at the time you shot and killed Roderick Shannon?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. Now, if I asked you the questions -- the same
11 questions that I asked -- that were asked to you by
12 Mr. Ragland, the attorney for Mr. Tennison, would your
13 answers be the same?

14 A. I invoke my rights under the Fifth Amendment.

15 MR. SCOTT: That's all the questions I
16 have.

17 MR. QUADRA: Sherri, would you mind if
18 I go first?

19 MS. KAISER: Go ahead, Jim.

20 MR. RAGLAND: And, of course, as we
21 agreed before, objections are reserved both to form
22 and to others.

23 MR. QUADRA: That's correct.

24 EXAMINATION

25 BY MR. QUADRA:

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1 Q. For the record, this is James Quadra on
2 behalf of Defendants Hendrix and Sanders.
3 Unfortunately I will have to ask you a series of
4 questions, Mr. Ricard, simply to establish the record
5 given the questions that were asked by Mr. Ragland,
6 but I will try to get through them quickly and I don't
7 think it will take as long as he did, so if we could
8 get started.

9 If you could state for the record, please,
10 what your date of birth was -- is.

11 A. 7/16/70.

12 Q. And what is your Social Security number?

13 A. 570-17-6308.

14 Q. How long have you lived in Minnesota?

15 A. I invoke my rights under the Fifth Amendment.

16 Q. Have you ever been convicted of a felony?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. How long did you live in San Francisco?

19 A. I invoke my rights under the Fifth Amendment.

20 Q. Have you ever met Mr. Tennison?

21 A. I invoke my rights under the Fifth Amendment.

22 Q. Have you ever met Mr. Goff?

23 A. I invoke my rights under the Fifth Amendment.

24 Q. Since moving to Minnesota have you ever
25 talked to anybody claiming to act on behalf of

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1 Mr. Tennison and Mr. Goff?

2 A. I invoke my rights under the Fifth Amendment.

3 MR. QUADRA: You know, at this time,
4 Sherri, do you have those letters between my office
5 and Mr. Roberts' office?

6 MS. KAISER: I do, Jim.

7 MR. QUADRA: Okay. If we could
8 attach -- for the record, there are three letters.
9 Two are from my office to Mr. Roberts' office who has
10 represented to me he is an attorney for Mr. Ricard and
11 one of them is a letter from Mr. Roberts to my office.

12 MS. KAISER: Why don't we just do them
13 one at a time for clarity?

14 MR. QUADRA: Okay. That's fine.

15 MS. KAISER: How about chronological
16 order starting --

17 MR. QUADRA: That would be fine.

18 MS. KAISER: -- with your March 2nd
19 said letter.

20 MR. QUADRA: That would be fine.

21 MS. KAISER: This would be Exhibit 50.
22 (Exhibit 50 marked.)

23 MR. QUADRA: And I believe that's dated
24 March 2, 2005?

25 MS. KAISER: Yes.

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1 MR. QUADRA: And it's a letter from my
2 office to Mr. Roberts' office.

3 Marking the next exhibit would be
4 Exhibit 51.

5 (Exhibit 51 marked.)

6 MR. SCOTT: Just for the record, I'm
7 objecting to this as hearsay.

8 MR. QUADRA: That's fine. Your
9 objections are preserved.

10 MR. SCOTT: Thank you.

11 MR. QUADRA: The next letter is dated
12 March 2. It's a letter from Mr. Roberts to me.

13 And then the final exhibit would be a
14 letter from my office to Mr. Roberts and the date of
15 that is March 11, I believe. Is that correct?

16 MS. KAISER: Yes, that's correct.

17 (Exhibit 52 marked.)

18 MR. QUADRA: And for the record, these
19 letters establish that our position is that a blanket
20 assertion --

21 MR. RAGLAND: I think the letters speak
22 for themselves.

23 MR. QUADRA: Your objections are
24 preserved.

25 For the record, the letters establish

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1 that our position is that a blanket assertion of the
2 Fifth Amendment is inappropriate and that the proper
3 assertion is one in which the declarant, in this case
4 Mr. Ricard, is confronted with a substantial and real
5 hazardous incrimination and not something trifling or
6 imaginary or nonexistent. And in this case a simple
7 question is if somebody contacted Mr. Ricard on behalf
8 of Mr. Tennison and Goff clearly is not something that
9 puts him at risk for incrimination. I understand your
10 position, Counsel. I'm not going to argue with you on
11 the record. I just want to state my position for the
12 record and we'll move on.

13 Having heard that, though,
14 Mr. Guerrero, would you instruct your client to
15 respond to any other questions that have been asked to
16 date so far?

17 MR. GUERRERO: No, I would not.

18 MR. QUADRA: Okay. So we will move on
19 and we'll preserve our rights to go forward and seek
20 court assistance on this matter, but for the record
21 I'll establish my questions.

22 BY MR. QUADRA:

23 Q. Have you signed -- Mr. Ricard, back to you.
24 Have you signed any statements for anybody claiming to
25 act on behalf of Mr. Tennison or Goff since you moved

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1 to Minnesota?

2 A. I invoke my rights under the Fifth Amendment.

3 Q. Are you aware whether your attorneys have
4 spoken to anybody claiming to act on behalf of
5 Mr. Tennison or Goff?

6 A. I invoke my rights under the Fifth Amendment.

7 Q. How did you find your attorney Dennis
8 Roberts?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. Who referred you to him?

11 A. I invoke my rights under the Fifth Amendment.

12 Q. How did you come to meet Mr. Guerrero?

13 A. I invoke my rights under the Fifth Amendment.

14 Q. When did you retain Mr. Roberts?

15 A. I invoke my rights under the Fifth Amendment.

16 Q. When did you retain Mr. Guerrero?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. Do you know if Mr. Dennis Roberts has any
19 connection to Mr. Tennison or Mr. Goff's counsel?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. When were you served with a subpoena for this
22 deposition?

23 A. I invoke my rights under the Fifth Amendment.

24 Q. How were you served?

25 A. I invoke my rights under the Fifth Amendment.

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1 Q. Where were you served with such a subpoena?

2 A. I invoke my rights under the Fifth Amendment.

3 Q. In 2003 did you talk to San Francisco Police
4 Department Inspectors Holly Pera and Joseph Toomey?

5 A. I invoke my rights under the Fifth Amendment.

6 Q. Did you speak to those inspectors at your
7 home in Minnesota?

8 A. I invoke my rights under the Fifth Amendment.

9 Q. Were you and the inspectors the only adults
10 present during the conversation?

11 A. I invoke my rights under the Fifth Amendment.

12 Q. During that conversation with Inspector Pera
13 and Toomey did you tell them that you had not murdered
14 Roderick Shannon?

15 A. I invoke my rights under the Fifth Amendment.

16 Q. During that conversation with Inspector Pera
17 and Toomey did you tell them that in 1990 you had
18 falsely confessed to the police to murdering Roderick
19 Shannon?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. Did you tell the inspectors during that
22 meeting that someone asked you to falsely confess to
23 murdering Roderick Shannon?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. Did you tell the inspectors that you believe

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1 that the person that asked you to falsely confess to
2 that murder was John Tennison's brother?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. Did you tell the inspectors that you
5 confessed because you did not think would you get in
6 trouble for the confession?

7 A. I invoke my rights under the Fifth Amendment.

8 Q. Did you tell the inspectors that you were
9 interviewed by Inspector Hendrix of the San Francisco
10 Police Department in 1990?

11 A. I invoke my rights under the Fifth Amendment.

12 Q. Did you tell the inspectors, Toomey and Pera,
13 that you had, in fact, told Inspector Hendrix during
14 the 1990 interview that you did not kill Roderick
15 Shannon?

16 A. I invoke my rights under the Fifth Amendment.

17 Q. Did you tell the inspectors, Toomey and Pera,
18 that you told Hendrix the truth when you were
19 interviewed in 1990 by Inspector Hendrix?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. Did you tell Inspectors Toomey and Pera that
22 you were telling the truth when you told Inspector
23 Hendrix during that 1990 interview that you did not
24 kill Roderick Shannon?

25 A. I invoke my rights under the Fifth Amendment.

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1 Q. Did you tell Inspectors Toomey and Pera that
2 you were scared?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. Did you tell the inspectors, Toomey and Pera,
5 that Tennison's family members took you to see
6 Assistant Public Defender Jeff Adachi in 1990?

7 A. I invoke my rights --

8 Q. I'm sorry. '91. Go ahead.

9 A. I invoke my rights under the Fifth Amendment.

10 Q. Did you tell Inspectors Toomey and Pera in
11 that 2003 interview that Jeff Adachi told you that you
12 would not get in trouble if you confessed to the
13 murder of Roderick Shannon?

14 A. I invoke my rights under the Fifth Amendment.

15 Q. Did you tell Inspectors Toomey and Pera that
16 you lied when you confessed to murdering Shannon --
17 when you confessed to murdering Shannon and that
18 confession was videotaped with your identity
19 concealed?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. Did you tell Inspectors Toomey and Pera that
22 Shantay Smith was a girlfriend of Antoine Goff at the
23 time of Shannon's murder?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. Did you tell Inspectors Toomey and Pera that

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1 Shantay Smith was also dating Luther Blue at the same
2 time she was dating Antoine Goff?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. Did you tell Inspectors Toomey and Pera that
5 you were told you never told Shantay Smith that you
6 murdered Shannon?

7 A. I invoke my rights under the Fifth Amendment.

8 Q. Did you tell Inspectors Toomey and Pera that
9 you never told Luther Blue that you murdered Roderick
10 Shannon?

11 A. I invoke my rights under the Fifth Amendment.

12 Q. Did you speak again to Inspectors Toomey and
13 Pera in 2005?

14 A. I invoke my rights under the Fifth Amendment.

15 Q. Did you speak to Inspectors Toomey and Pera
16 at your home in Minnesota in 2005?

17 A. I invoke my rights under the Fifth Amendment.

18 Q. Did you review a proposed declaration that
19 they had asked you to sign at that time?

20 A. I invoke my rights under the Fifth Amendment.

21 MR. RAGLAND: Jim, obviously we'll want
22 -- we'll want that declaration if such a one exists.

23 BY MR. QUADRA:

24 Q. Did the declaration set forth that you did
25 not murder Roderick Shannon?

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1 A. I invoke my rights under the Fifth Amendment.

2 Q. Did the declaration state that you falsely
3 confessed to the police to murdering Shannon to help
4 your friends Tennison and Goff?

5 MR. RAGLAND: Mr. Ricard would like a
6 break right now he's indicated.

7 THE WITNESS: Just really quick for a
8 second.

9 MS. KAISER: We're not going off the
10 record unless we're taking a break.

11 THE WITNESS: No, it's not -- I mean, I
12 don't know who's talking to who. I'm hearing him
13 speak, but I don't know if he's talking to him or
14 asking me a question.

15 MS. KAISER: You're certainly -- yeah,
16 you should ask for clarification if you have any
17 questions at all, but we don't have to go off the
18 record for that.

19 THE WITNESS: Okay. I don't know. I
20 don't know.

21 MS. KAISER: That's fine. So, Jim, I
22 think that there's some unclarity about whether or not
23 you're asking Mr. Ricard a question or whether you're
24 speaking to Mr. Ragland.

25 MR. QUADRA: Yeah, I'm not speaking to

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1 Mr. Ragland. I'm asking questions of Mr. Ricard.

2 MR. RAGLAND: All right. And I did
3 interject once because I had --

4 THE WITNESS: That's what I'm saying.
5 I didn't know if you were still between each other. I
6 didn't know.

7 MS. KAISER: Please do ask if you have
8 any questions and feel free to interject whenever you
9 need to.

10 THE WITNESS: That's what I did. I
11 figured I had to go off the record.

12 BY MR. QUADRA:

13 Q. I apologize, Mr. Ricard. I know it's hard to
14 do this over the phone. I appreciate your patience.

15 A. All right.

16 Q. Are we ready to go forward?

17 A. Yes.

18 Q. I'll go back and ask you the last question.
19 Did the declaration that Inspectors Toomey and Pera
20 put forth set forth that you did not murder Roderick
21 Shannon?

22 A. I invoke my rights under the Fifth Amendment.

23 Q. Did the declaration state that you have
24 falsely confessed to the police to murdering Shannon
25 to help your friends Tennison and Goff?

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1 A. I invoke my rights under the Fifth Amendment.

2 Q. Did the declaration state that you had
3 falsely confessed because you did not think you would
4 get in trouble for that confession?

5 A. I invoke my rights under the Fifth Amendment.

6 Q. Did the declaration state that you had
7 falsely confessed on video covering your face because
8 Jeff Adachi told you you would not get in trouble for
9 doing so?

10 A. I invoke my rights under the Fifth Amendment.

11 Q. Did you tell Pera and Toomey that the
12 declaration accurately stated the facts as you knew
13 them?

14 A. I invoke my rights under the Fifth Amendment.

15 Q. Did you sign the declaration?

16 A. I invoke my rights under the Fifth Amendment.

17 Q. Did you refuse to sign the declaration
18 because you said you wanted to consult with your
19 attorney and the attorney you had retained to
20 represent you for this deposition?

21 A. I invoke my rights under the Fifth Amendment.

22 Q. During the conversation with Inspectors Pera
23 and Toomey did you tell them that in 1990 you had
24 falsely confessed to murdering Roderick Shannon?

25 A. I invoke my rights under the Fifth Amendment.

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1 Q. During that conversation in 2005 with
2 Inspectors Pera and Toomey did you tell them that
3 everything you had told them back in 2003 was true?

4 A. I invoke my rights under the Fifth Amendment.

5 Q. During the conversations with Inspector --
6 with the conversation with Inspector Pera and Toomey
7 in 2005 did you tell them that you had not murdered
8 Roderick Shannon?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. Do you recall speaking to Inspector Napoleon
11 Hendrix of the San Francisco Police Department
12 regarding the murder of Roderick Shannon in 1990?

13 A. I invoke my rights under the Fifth Amendment.

14 Q. Did you tell Inspector Hendrix in that 1990
15 interview that you did not murder Roderick Shannon?

16 A. I invoke my rights under the Fifth Amendment.

17 Q. Did you tell Inspector Hendrix during that
18 interview in 1990 that you were not present at the
19 scene when Roderick Shannon was murdered?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. Did you falsely confess to the murder of
22 Roderick Shannon to Officers Lewis and Gittens in
23 November of 1990?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. How many times have you falsely confessed to

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1 the murder of Roderick Shannon?

2 A. I invoke my rights under the Fifth Amendment.

3 Q. Before you supplied your false confession to
4 the police did you discuss the Tennison/Goff trial
5 with anybody?

6 A. I invoke my rights under the Fifth Amendment.

7 Q. Were you provided prior to confessing falsely
8 to the Roderick Shannon murder with any facts
9 regarding the Tennison/Goff murder trial by anybody
10 involved with Mr. Tennison or Mr. Goff?

11 A. I invoke my rights under the Fifth Amendment.

12 MR. RAGLAND: And I know we reserved
13 objections, but I just want to get on the record that,
14 counsel, your view or the way you're characterizing
15 your questions is throwing in your own view of them
16 rather than possible facts. When you say falsely,
17 that's a qualitative value judgment that you're
18 imposing on the question.

19 MR. QUADRA: I understand your
20 objection. I think the same could be said for your
21 questions, so they're preserved on both ends.

22 BY MR. QUADRA:

23 Q. Were you ever asked to falsely confess to the
24 murder of Roderick Shannon?

25 A. I invoke my rights under the Fifth Amendment.

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1 Q. Did you think you would get in trouble
2 because of the confession?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. Who asked you to confess?

5 A. I invoke my rights under the Fifth Amendment.

6 Q. When were you asked to make the confession?

7 A. I invoke my rights under the Fifth Amendment.

8 Q. Was anybody else present other than Mr. --
9 strike that.

10 Why did you supply a false confession?

11 A. I invoke my rights under the Fifth Amendment.

12 Q. What did Mr. Adachi tell you that convinced
13 you to be videotaped confessing to the Roderick
14 Shannon murder?

15 A. I invoke my rights under the Fifth Amendment.

16 Q. Who arranged for the videotaping of that
17 confession?

18 A. I invoke my rights under the Fifth Amendment.

19 Q. Who was present when you were videotaped?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. When did the videotape occur?

22 A. I invoke my rights under the Fifth Amendment.

23 Q. Did anybody -- did Mr. Tennison's brother
24 know that you were going to be videotaped?

25 A. I invoke my rights under the Fifth Amendment.

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1 Q. Did Mr. Tennison's brother ever approach you
2 and ask you to please confess to help his brother?

3 A. I invoke my rights under the Fifth Amendment.

4 Q. Did you tell Mr. Adachi at the time that he
5 videotaped you that you were represented by the Public
6 Defender's Office on another matter?

7 A. I invoke my rights under the Fifth Amendment.

8 Q. Isn't it true that you are invoking the Fifth
9 Amendment and refusing to answer these questions not
10 because you killed Roderick Shannon, but to assist
11 your friends Tennison and Goff by creating doubt about
12 their guilt?

13 A. I invoke my rights under the Fifth Amendment.

14 Q. Isn't it fair to say you will not answer any
15 questions regarding any meeting with San Francisco
16 Police Department officers from 1989 to the present
17 regarding the Roderick Shannon murder trial and that
18 you will invoke the Fifth Amendment as to all of those
19 questions?

20 A. I invoke my rights under the Fifth Amendment.

21 Q. Is it fair to say you will not respond to any
22 questions regarding the trial of Tennison and Goff?

23 A. I invoke my rights under the Fifth Amendment.

24 Q. Is it fair to say you will not answer any
25 questions regarding any contacts you may have had with

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1 Mr. Tennison and Goff since their trial?

2 A. I invoke my rights under the Fifth Amendment.

3 Q. Is it fair to say you will not answer any
4 questions regarding any contacts you may have had with
5 anybody representing or acting on behalf of
6 Mr. Tennison and Goff?

7 A. I invoke my rights under the Fifth Amendment.

8 MR. QUADRA: Mr. Guerrero, can we --
9 obviously I don't want to keep going at this point. I
10 think I just want to lay a foundation. As we stated
11 in our correspondence we will be seeking court
12 assistance in resolving this issue of whether your
13 client's position about invoking the Fifth Amendment
14 as to all of these questions is appropriate. So if we
15 could have a stipulation that the entire area
16 regarding Roderick Shannon's murder is covered, that
17 he will be invoking the Fifth Amendment as to all
18 those questions, then we can stop this and move
19 forward to see what we can do in court.

20 MR. GUERRERO: We will so stipulate.

21 MR. QUADRA: So at this point I would
22 say I would adjourn -- at least on my behalf, adjourn
23 the deposition and we will be seeking court assistance
24 to try to resolve this issue. Our position is as we
25 have stated in that correspondence that the invoking

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1 of the Fifth Amendment is inappropriate. Thank you.

2 MS. KAISER: I have a few questions,
3 but only if you --

4 EXAMINATION

5 BY MS. KAISER:

6 Q. Earlier on when Mr. Ragland was asking you
7 questions he asked to go off the record to assure you
8 that he wouldn't ask very many more questions and to
9 let you know that he appreciated your patience and
10 that we were here today to help John. Is that why
11 you're here today to help John --

12 MR. RAGLAND: I'll object to that
13 because I went off the record to get something to
14 drink and I just said that before we went back on.

15 MS. KAISER: That's actually untrue.
16 There was no drinking involved. You stopped to assure
17 the defendant that we would be done soon.

18 MR. RAGLAND: I stopped to have a sip
19 of water and then I made the assurance. And I had no
20 problem having that on the record because I do
21 appreciate everyone's patience here, including counsel
22 for the defendants, including Mr. Guerrero, including
23 Mr. Ricard, and I do understand that the process takes
24 some time.

25 MS. KAISER: We all agree that the

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1 process takes time. And I simply want it on the
2 record that you assured him that we were here today to
3 help John and that you appreciated his patience and
4 this is what you needed to do today to help John.

5 MR. RAGLAND: That actually
6 mischaracterizes I believe what I said.

7 MS. KAISER: Well, you took us off the
8 record.

9 MR. RAGLAND: Well, I will say that I
10 said that I did appreciate Mr. Ricard's patience, your
11 patience, Counselor, Mr. Guerrero's --

12 MS. KAISER: You did not say that at
13 that point.

14 MR. RAGLAND: Well, I appreciate
15 everyone's patience. I said I appreciate yours. I
16 believe I was using it collectively. I also said that
17 I'm just making my record, as I assured Mr. Guerrero
18 also, that I had to go through these questions and
19 just making this record because this is what we have
20 to do for John, for our client. I did say that. I
21 think my exact words were this is what we have to do
22 for John. I would say that to whoever was -- everyone
23 here because I do understand that, you know, you flew
24 out from San Francisco. This is something that we all
25 did. And I was just saying that we're making the

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1 record we need to make.

2 BY MS. KAISER:

3 Q. Mr. Ricard, do you remember a few moments ago
4 Mr. Ragland saying to you while he was questioning
5 you, not during this exchange, that he appreciated
6 your patience and that this was something that we had
7 to go through to help John? Do you remember him
8 saying that?

9 A. I invoke my rights under the Fifth Amendment.

10 Q. Are you here today to help John Tennison?

11 A. I invoke my rights under the Fifth Amendment.

12 Q. Are you taking the Fifth Amendment to help
13 create doubt that John Tennison and Antoine Goff
14 killed Shannon?

15 A. I invoke my rights under the Fifth Amendment.

16 Q. Are you here today taking the Fifth Amendment
17 because you're frightened of John Tennison?

18 A. I invoke my rights under the Fifth Amendment.

19 Q. Are you frightened of John Tennison's friends
20 or family or acquaintances?

21 A. I invoke my rights under the Fifth Amendment.

22 Q. Are you frightened of Antoine Goff or his
23 friends, family or acquaintances?

24 A. I invoke my rights under the Fifth Amendment.

25 Q. Are you concerned that you might face serious

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1 consequences if you state on the record that you did
2 not kill Roderick Shannon?

3 A. I invoke my rights under the Fifth Amendment.

4 MS. KAISER: Those are my questions. I
5 join in the questions of Mr. Quadra and his
6 objections.

7 From the City's perspective, I agree
8 that this deposition is not concluded, although I
9 don't object to adjourning it so that we can seek
10 assistance from the courts.

11 MR. RAGLAND: That's fine. I have
12 nothing further at this time.

13 MR. GUERRERO: Nothing further.

14 THE WITNESS: Is that it?

15 VIDEOGRAPHER: We're going off the
16 record at 10:30 a.m.

17 (Deposition recessed at 10:30 a.m.)
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COUNTY OF HENNEPIN)

Sheila D. Fearing
Notary Public, Hennepin County, Minnesota
My commission expires January 31, 2005